

STEPHEN C. ANDERSON P.E. PRES.
HOWARD L. PERRY P.E. SEC./TREAS.

April 19, 1976
Job No. 114

Willis Mechanical Contractors, Inc.
P.O. Box 2521
Eugene, Oregon 97402

Attention: Don Mathers

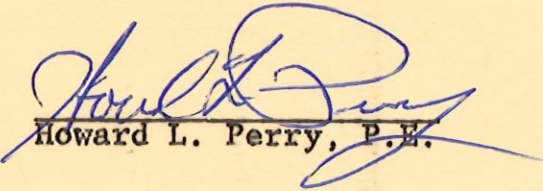
Dear Don:

The Elgin City Council has requested that you submit for their consideration justification for a time extension on Phase 2B of the Water System Improvement Project. The Council to date has not acted on the original 45 calendar day request which would extend the contract completion time to January 14, 1975. To date no request has been made for an extension of time beyond that date. In terms of a general completion date we can say that the system was operational on February 28, 1976. The remaining work to be completed involves minor items and cannot be completed until we have some dry weather.

Please submit for my review your request by May 4, 1976. A final decision on a time extension will be made at the regular council meeting to be held May 11, 1976. If you desire the council has invited you to attend the council meeting to present your reasons for the time extension.

Should you have any questions, please give me a call.

Very truly yours,



Howard L. Perry, P.E.

HLP/km

cc: Warner Stein, Mayor

engineering

o

surveying

o

materials testing



WILLIS MECHANICAL CONTRACTOR, Inc. • PLUMBING & HEATING SHEET METAL

Phone: 343-2521
P. O. Box 2521
Eugene, Oregon 97402
May 3, 1976

Anderson-Perry & Associates, Inc.,
P.O. Box 1301
La Grande, Oregon 97850

Attention: Howard Perry

Re: City of Elgin Water Improvements (Time Extension)

Dear Howard,

In response to your correspondence regarding time extension and liquidated damages, I want to thank the council for the opportunity to appear in defense May 11, 1976, however due to a prior commitment that date I will try to convey our defense by this correspondence.

We, as a contractor, make a very diligent effort to adhere to the contract documents when bidding on a project, plus we try to be competitive within a very narrow profit margin when we submit our bid. In establishing a bid, we have to rely a great deal on the word of other sub-contractors and our suppliers regarding what kind of a price we might anticipate at time of delivery for materials and what we can expect for a delivery date. After a contract has been awarded and the contractor becomes aware as time progresses that the materials are not going to be made available at the time expected, or the price of the material has exceeded the anticipated cost, no one feels the monetary effect more than the contractor. In the industry today the only people who can have advantages of firm prices are the owners, where he has a contractor under contract and bonded. This is a very enviable position to be in. We cannot accomplish this with suppliers.

Liquidated damages, as we interpret it, is to compensate the owner for costs that would be increased if the project in question was not completed by the time specified in the contract. I was never made aware that this was happening with the City of Elgin.

On December 6, 1975 we made a request for an extension of 45 days due to the unavailability of electrical components. Correspondence from Olson Electric dated January 7, 1976 confirms the delay. On January 21, 1976 we were in a position to pump water from #4 well. We were still not completely under full automatic control conditions however, we were in the City of Elgin and were ready to manually stand by if it was required. We had replaced a control on pump #3 so that that pump station could go back on the line until we were ready to modify that system.

After January 21, 1976, we encountered control problems due to a faulty transmission line installed under another contract.

On February 28, 1976, we had the total system operational with the exception of minor finishing touches which does not affect the delivery of water.

In view of the situations stated which were beyond our control, we appeal to the fair judgement of the council to extend to us a total of 90 calendar days without assessing liquidated damages.

Sincerely,
WILLIS MECHANICAL CONTRACTOR INC



Donald D. Mathers

DDM/vp

April 19, 1976
Job No. 114

Willis Mechanical Contractors, Inc.
P.O. Box 2521
Eugene, Oregon 97402

Attention: Don Mathers

Dear Don:

The Elgin City Council has requested that you submit for their consideration justification for a time extension on Phase 2B of the Water System Improvement Project. The Council to date has not acted on the original 45 calendar day request which would extend the contract completion time to January 14, 1975. To date no request has been made for an extension of time beyond that date. In terms of a general completion date we can say that the system was operational on February 28, 1976. The remaining work to be completed involves minor items and cannot be completed until we have some dry weather.

Please submit for my review your request by May 4, 1976. A final decision on a time extension will be made at the regular council meeting to be held May 11, 1976. If you desire the council has invited you to attend the council meeting to present your reasons for the time extension.

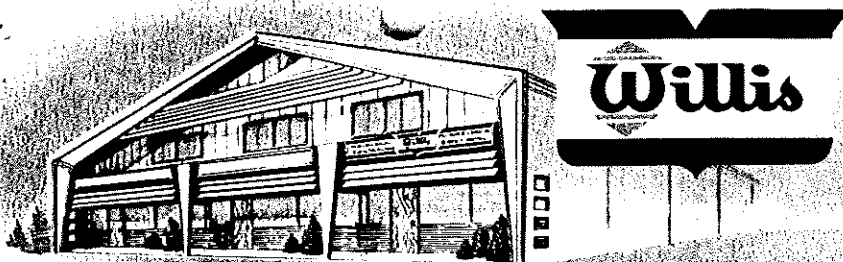
Should you have any questions, please give me a call.

Very truly yours,

Howard L. Perry, P.E.

HLP/km

cc: Warner Stein, Mayor



**WILLIS MECHANICAL CONTRACTOR, Inc. • PLUMBING & HEATING
SHEET METAL**

Phone: 343-2521
P. O. Box 2521
Eugene, Oregon 97402

January 12, 1976

Anderson-Perry & Associates, Inc.
P.O. Box 1301
La Grande, Oregon 97850

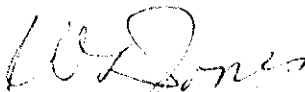
Attention: Howard Perry

Re: City of Elgin, Phase 2

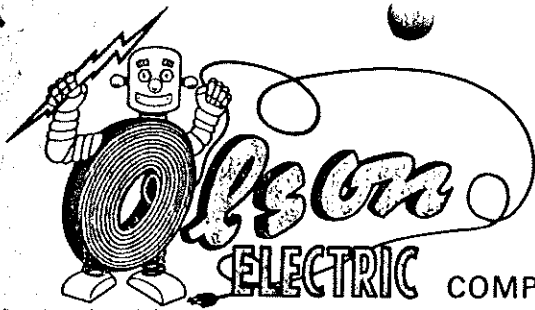
Dear Howard,

Please find enclosed a copy of letter from Olson Electric Company, Inc., in explanation to substantiate our claim for time extension letter dated December 6, 1975.

Sincerely,
WILLIS MECHANICAL CONTRACTOR INC


W.L. Jones

WLJ/vp
Encl:



COMPANY, INC.

P. O. BOX 830, VANCOUVER, WASHINGTON 98660

PHONE (206) 694-6585

PORTLAND (503) 285-0295

January 7, 1976

RE: 0919 Elgin

Willis Mechanical Contractor, Inc.
PO Box 2521
Eugene, Oregon 97402

Dear Sir:

We forward the following information regarding the subject contract for extension of time:

We issued our purchase order #8961 on May 1, 1975, before we received the actual contract from you (which was received July 3, 1975). We gave approval to Fry Controls, Inc. to work directly with the engineer, Stephen C. Anderson and Associates, on obtaining approvals of the telemetering equipment.

In the initial conversation between David Fry and Howard Perry, a problem developed regarding the full voltage motor starter which was specified for Well 4. Approval Drawings were held up until this question was resolved. On July 23, 1975, our purchase order was issued to include a reduced voltage motor starter. They then proceeded with Approved Drawings. These drawings were completed in approximately 5 weeks, and Mr. Kerry Krum discussed them personally with Mr. Howard Perry on September 4, 1975. During that personal discussion, it was necessary for changes to be made on some of the basic control concepts and to the Approval Drawings which were made and sent directly to Stephen C. Anderson and Associates on September 23, 1975. On October 3, 1975, we were requested by Howard L. Perry to quote on the addition of phase protection on Well No. 4 and Well No. 3. We quoted this additional requirement to you on October 7, 1975. The manufacture of the equipment was halted until notification was received that these additional components would be required. We issued our purchase order #10177 on November 12, 1975, which is the date the equipment was scheduled for manufacturing.

We received notification that the equipment could be shipped the first week of December. We then scheduled our man to report to the job on December 10, 1975. He installed the conduit stubs after which the slab for the panel was poured. We returned December 15, 1975 to set the panel, which due to shipping problems did not arrive until December 17, 1975.

Willis Mechanical Contractor, Inc.
RE: #0919 Elgin
January 7, 1975
Page 2

We have installed all electrical equipment except the controls because of additional problems with the number of conductors on the control equipment.

Because of the changes made and the time needed to obtain approval of the changes, we ask for an extension of time to cover manufacturing and installation time.

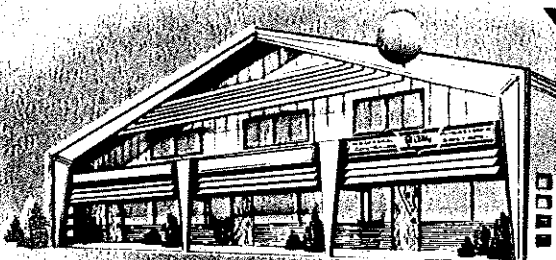
Very truly yours,

OLSON ELECTRIC COMPANY, INC.

A handwritten signature in dark ink, appearing to read 'Calvin T. Olson', is written over a horizontal line.

Calvin T. Olson
President

CTO:cs



**WILLIS MECHANICAL CONTRACTOR, Inc. • PLUMBING & HEATING
SHEET METAL**

Phone: 343-2521
P. O. Box 2521
Eugene, Oregon 97402

December 6, 1975

Anderson-Perry & Associates, Inc.
P.O. Box 1301
La Grande, Oregon 97850

Attention: Howard Perry

Re: City of Elgin, Phase 2

Gentlemen;

As per GENERAL CONDITIONS, page G-10, paragraph 4, we are requesting an extension of time in the amount of forty five calendar days.

The reason for our progress delay has been attributed to the unavailability of certain electrical components.

As of December 4, 1975, it was definitely confirmed by Olson Electric that all electrical components are now available and ready for installation. With this assurance we are now able with certainty to complete the project without further delay.

We are placing our trust with your Board of Directors to act favorably on our request.

Sincerely,
WILLIS MECHANICAL CONTRACTOR INC

Don D. Mathers

DDM/vp

December 4, 1975
Job No. 114

Willis Mechanical Contractors, Inc.
P.O. Box 2321
Eugene, Oregon 97402

Attention: Don Mathers

Dear Don:

In accordance with Article VI of your contract with the City of Elgin, you are hereby notified that you are subject to liquidated damages as provided in the Contract Documents as of December 1, 1975. Should you feel that an extension of time is required, please make a request stating your reasons for such. The City of Elgin must make the determination as whether to grant an extension or not. I am sure their decision will be based on how soon the work is completed.

If you have any questions, please give me a call.

Very truly yours,

Howard L. Perry, P.E.

HLP/km

cc: City of Elgin